

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BAYER AKTIENGESELLSCHAFT and
DRITTE BV GmbH,

Plaintiffs

v.

E. MERCK OHG, MERCK KGaA and
MERCK VIERTE ALLGEMEINE
BETEILIGUNGSGESELLSCHAFT mbH,

Defendants.

SANDS.
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 6-19-06

06 CV 4475 (LBS)

**NOTICE OF DISMISSAL
PURSUANT TO
F.R.C.P. 41(a)(1)(i)**

WHEREAS, Plaintiffs BAYER AKTIENGESELLSCHAFT and DRITTE BV GmbH, initiated the above-captioned case by filing a Complaint against Defendants E. MERCK OHG, MERCK KGaA and MERCK VIERTE ALLGEMEINE BETEILIGUNGSGESELLSCHAFT mbH, on June 13, 2006;

WHEREAS, the above-captioned case has been assigned to the Honorable Leonard B. Sand of this Court;

WHEREAS, as of the date of this Notice of Dismissal, the Defendants in the above-captioned case have not served an answer or a motion for summary judgment in response to the Complaint;

BAYER AKTIENGESELLSCHAFT and DRITTE BV GmbH HEREBY GIVE NOTICE, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, that they hereby dismiss the above-captioned case against the Defendants.

Dated: New York, New York
June 16, 2006

Respectfully submitted,

LATHAM & WATKINS LLP

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GmbH.

SO ORDERED:



U.S.D.J.

6/19/06